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10/582,412

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Victoria A. Wofford

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STRASBURGER & PRICE, LLP

ATTN: IP SECTION

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EXAMINER

JOSEPH, TONYA S

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/582,412	Applicant(s) WOFFORD ET AL.	
	Examiner TONYA JOSEPH	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 and 59-65 is/are pending in the application.
- 4a) Of the above claim(s) 59-65 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

Claims 1-26 have been previously examined. Claims 1-4 have been amended. No claims have been cancelled. Claims 59-65 have been added. Thus, claims 1-26 and 59-65 are presented for examination.

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

Newly submitted claims 59-65 are directed to an invention that do not relate to a single general inventive concept under PCT Rule 13.1 because:

Group I, claims 1-26 and , drawn to credit card discrepancy data

Group II, claims 59-61, drawn to initiating travel bookings.

Group III, claims 62-65, drawn to travel analysis and itinerary changes in real-time

The groups of inventions listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Vance et al. U.S. Pre-Grant Publication No. 2006/0212321 teaches a corporate travel information system which aggregates travel data in to a common format for interested parties (see para. 59 and 82)

March U.S. Pre-Grant Publication No. 2002 also teaches monitoring the transactions of a financial card in real-time in an effort to manage the transactions of various employees (see the Abstract of March)

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted, however, since Applicant

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has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 59-65 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Should applicant traverse on the ground that the inventions have unity of invention (37 CFR 1.475(a)), applicant must provide reasons in support thereof. Applicant may submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. Where such evidence or admission is provided by applicant, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
3. Claims 1-26 are directed to a "method" and therefore are considered process claims for the purposes of § 101. A claimed process is eligible for patent protection under 35 U.S.C. § 101 if:

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"(1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing. See Benson, 409 U.S. at 70 ('Transformation and reduction of an article 'to a different state or thing' is the clue to the patentability of a process claim that does not include particular machines.');

Diehr, 450 U.S. at 192 (holding that use of mathematical formula in process 'transforming or reducing an article to a different state or thing' constitutes patent-eligible subject matter); see also Flook, 437 U.S. at 589 n.9 ('An argument can be made [that the Supreme] Court has only recognized a process as within the statutory definition when it either was tied to a particular apparatus or operated to change materials to a 'different state or thing' '); Cochrane v. Deener, 94 U.S. 780, 788 (1876) ('A process is...an act, or a series of acts, performed upon the subject-matter to be transformed and reduced to a different state or thing.').⁷ A claimed process involving a fundamental principle that uses a particular machine or apparatus would not pre-empt uses of the principle that do not also use the specified machine or apparatus in the manner claimed. And a claimed process that transforms a particular article to a specified different state or thing by applying a fundamental principle would not pre-empt the use of the principle to transform any other article, to transform the same article but in a manner not covered by the claim, or to do anything other than transform the specified article." (*In re Bilski*, 88 USPQ2d 1385, 1391 (*Fed. Cir.* 2008)) Claims 1-26 identify neither the apparatus performing the recited steps nor any transformation of underlying materials, and accordingly are directed to non-statutory subject matter. The Examiner suggests amending the claims to distinguish the apparatus performing the determination steps.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Applicant's amended claims recite limitations regarding "matching in real time the credit card electronic data to the travel electronic data for each of the trips ***taken*** by each of the travelers;". It is unclear how the "matching" and the subsequent steps are performed in real-time for trips that have already been ***taken***. Real time implies instantaneously or near instantaneously. It is unclear if Applicant wishes to convey that the matching occurs ***during*** travel, as described by newly added claim 62. In claim 62 Applicant describes real-time data being compared while a traveler is in route and still traveling. The newly added claim limitations of claims 1-4 are not clear as to when the steps of matching, consolidating, displaying, etc...are being performed.

As a further example, claim 2 recites the limitation, "*initiating a travel booking process by said first traveler for said first trip between a first location and a second location that includes said first travel expense received by said computer processor; wherein said first analysis is provided in real time by said computer processor to said user immediately after said step of initiating.*" It is unclear how a user is initiating a booking process that already includes a travel expense, the booking has not yet been

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completed in order to generate an actual expense. Again as in the recitations of claims 1 and 3-5, the timing at which all these events occur is not clear. For the purposes of Examination, the Examiner is interpreting any real time travel analyzing as meeting the limitations of the claims, (1-4). Appropriate Correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredericks et al. U.S. Pre-Grant Publication No. 2004/0167808 A1 in view of March U.S. Pre-Grant Publication No. 2002/0016763 A1.

3. As per Claim 1, Fredericks teaches receiving travel and credit card electronic data from the multiple electronic data sources with a computer processor (see para. 24-25 & 44); consolidating the electronic data from the sources with said processor (see para. 29); identifying a portion of the consolidated electronic data that a user is entitled to receive (see para. 71); and supplying said portion of consolidated data to said user with said processor (see para. 71); Fredericks does not explicitly teach the limitation taught by March generally describes the features of matching card data in real time, as recited by the claim amendments (see para. 61-61) in real time the credit card electronic data to the travel electronic data for each of the trips taken by each of the travelers;

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consolidating in real time the travel electronic data and the credit card electronic data from the sources with said processor; determining in real time a variance for each of said matched credit card electronic data and travel electronic data for each of the trips taken by each of the travelers, including a first variance for a first trip taken by a first traveler of a first business unit for which a first travel expense is incurred, wherein said first business unit has multiple travelers incurring multiple travel expenses; wherein said step of supplying includes including supplying a first analysis of travel spending for said first trip including said first travel expense and said first variance while. It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the method of Fredericks to include the teachings of March to track trend of employee spending habits. **Examiner Note:** Due to the 112 rejection above the Examiner has cited March in combination with Frederick to describe the general state of the art relevant to the assumed claim interpretation.

4. As per Claim 2, Fredericks in view of March teaches the method of claim 1 as described above. Fredericks further teaches initiating a travel booking process by said first traveler for said first trip between a first location and a second location that includes said first travel expense received by said computer processor; wherein said first analysis is provided in real time by said computer processor to said user immediately after said step of initiating (see para. 71). March teaches real-time travel analyzing.

Examiner Note: Due to the 112 rejection above the Examiner has cited March in combination with Frederick to describe the general state of the art relevant to the assumed claim interpretation.

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5. As per Claim 3, Fredericks in view of March teaches the method of claim 1 as described above. Fredericks further teaches wherein said portion of said consolidated electronic data further includes data for travel issues further comprising the steps of: comparing in real time said first travel expense with a first travel expense criteria with said computer processor; and displaying said comparison in real time on a computer screen with said computer processor immediately after said step of initiating (see para. 29). March teaches real-time travel analyzing. **Examiner Note:** Due to the 112 rejection above the Examiner has cited March in combination with Frederick to describe the general state of the art relevant to the assumed claim interpretation.

6. As per Claim 4, Fredericks in view of March teaches the method of claim 3 as described above. Fredericks further teaches wherein said portion of said consolidated electronic data further includes data for contract/audit issues further comprising the steps of: comparing in real time all of said travel expenses for all of said travelers of said first business unit with a second travel expense criteria with said computer processor (see para. 28); March teaches real-time travel analyzing. **Examiner Note:** Due to the 112 rejection above the Examiner has cited March in combination with Frederick to describe the general state of the art relevant to the assumed claim interpretation.

7. As per Claim 5, Fredericks in view of March teaches the method of claim 1 as described above. Fredericks further teaches wherein said sources include one or more corporate card providers, travel agency service providers, and ancillary travel service providers (see para. 26).

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8. As per Claim 6, Fredericks in view of March teaches the method of claim 5 as described above. The cited portion of claim 5 meets the limitation of this claim, as the limitations of claim 5 are presented in the alternative.

9. As per Claim 7, Fredericks in view of March teaches the method of claim 5 as described above. Fredericks further teaches, wherein corporate card providers include corporate card data sources (see para. 26 and 45).

10. As per Claim 8, Fredericks in view of March teaches the method of claim 5 as described above. The cited portion of claim 5 meets the limitation of this claim, as the limitations of claim 5 are presented in the alternative.

11. As per Claim 9, Fredericks in view of March teaches the method of claim 5 as described above. The cited portion of claim 5 meets the limitation of this claim, as the limitations of claim 5 are presented in the alternative.

12. As per Claim 10, Fredericks in view of March teaches the method of claim 5 as described above. Fredericks further teaches wherein said steps of consolidating and receiving are is done substantially simultaneously (see para. 68).

13. As per Claim 11, Fredericks in view of March teaches the method of claim 10 as described above. Fredericks further teaches wherein said steps of supplying occurring substantially simultaneously with said steps of consolidating and receiving (see para. 68 and 71)

14. As per Claim 12, Fredericks in view of March teaches the method of claim 1 as described above. Fredericks further teaches wherein said supplying is performed through a display available to at least one of the business units (see para 71).

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15. As per Claim 13, Fredericks in view of March teaches the method of claim 1 as described above. Fredericks further teaches wherein said step of supplying is through a display in formats that are configured to be manipulated (see para. 40).

16. As per Claim 14, Fredericks in view of March teaches the method of claim 1 as described above. Fredericks further teaches wherein said step of supplying indicates the travelers who have potentially deviated from a policy of the business unit (see para. 69).

17. As per Claim 15, Fredericks in view of March teaches the method of claim 1 as described above. Fredericks further teaches wherein said step of supplying of consolidated data highlights includes pricing errors (see claim 29).

18. As per Claim 16, (Fredericks in view of March teaches the method of claim 1 as described above. Fredericks further teaches wherein said supplying of consolidated data indicates any traveler who has deviated from the planned itinerary of the traveler (see para. 28).

19. As per Claim 17, Fredericks in view of March teaches the method of claim 1 as described above. Fredericks further teaches wherein said analysis is configured to be used in a travel budget plan (see para. 27).

20. As per Claim 18, Fredericks in view of March teaches the method of claim 1 as described above. Fredericks further teaches wherein said step of supplying of identifies at least one of new destinations, pre-travel approvals, policy exceptions of all travelers, real time tracking of expenditures, requirements for supplier contracts and analysis

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relative to the current travel, performance measurement, and individual information of a specific traveler (see para. 71).

21. As per Claim 19, Fredericks in view of March teaches the method of claim 1 as described above. Fredericks further teaches wherein said supplying is performed through one or more computer networks formed by at least one business unit and at least some of each of the travelers, management and suppliers and wherein the suppliers include credit card companies (see para. 45, 53 and 71).

22. As per Claim 20, Fredericks in view of March teaches the method of claim 1 as described above. Fredericks further teaches wherein said step of supplying includes the step of sorting the data (see para. 71).

23. As per Claim 21, Fredericks in view of March teaches the method of claim 20 as described above. Fredericks further teaches wherein said step of supplying includes the step of aggregating the data (see para. 71).

24. As per Claim 22, Fredericks in view of March teaches the method of claim 1 as described above. Fredericks further teaches wherein said step of supplying of the data includes determining rights to review the data (see para. 71).

25. As per Claim 23, Fredericks in view of March teaches the method of claim 1 as described above. Fredericks further teaches wherein there is included the step of calculating real time metrics from said consolidated electronic the data.

26. As per Claim 24, Fredericks in view of March teaches the method of claim 1 as described above. Fredericks further teaches wherein there is further included the step of: initiating travel transactions (see para. 22).

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27. As per Claim 25, Fredericks in view of March teaches the method of claim 1 as described above. Fredericks further teaches wherein said step of initiating travel transactions originates from a display unit used for said step of supplying (see para. 71, the Examiner is interpreting the display unit used by the traveler as a display unit used to supply the travel data to a manager).

28. As per Claim 26, Fredericks in view of March teaches the method of claim 1 as described above. Fredericks further teaches wherein the suppliers include at least one of any GDSs, travel agencies, credit card companies, and alternate travel data sources (see para. 66).

Conclusion

29. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to TONYA JOSEPH whose telephone number is (571)270-1361. The examiner can normally be reached on Mon-Fri, 7:30 am-5:00pm First Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571 272 6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JOHN W HAYES/

Supervisory Patent Examiner, Art Unit 3628